

SENATE BILL 3313  
By Burks

AN ACT to repeal Chapter 459 of the Private Acts of 1949; Chapter 389 of the Private Acts of 1961; and Chapter 349 of the Private Acts of 1974; and to authorize the employment of a county attorney for Putnam County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 459 of the Private Acts of 1949; Chapter 389 of the Private Acts of 1961; and Chapter 349 of the Private Acts of 1974, and any other acts amendatory thereto, relative to the county attorney of Putnam County, are repealed.

SECTION 2. The process shall be that the Putnam County executive shall make a recommendation for county attorney to the county legislative body, and the county legislative body must ratify the recommendation by a majority vote. The county executive may recommend termination of the county attorney, to be effective upon majority vote ratification by the county legislative body.

SECTION 3. The county attorney shall be licensed to practice law in all of the courts of the state of Tennessee and the United States District Court.

SECTION 4. The county legislative body of Putnam County shall establish the compensation of the county attorney from time to time.

SECTION 5. It shall be the function and duty of the county attorney to attend all meetings of the county legislative body and render advice as to legal matters arising during such sessions, and to render legal advice, legal opinions and other legal services to the county and any of its officials, departments, offices, boards and commissions upon request. It shall further be the function and duty of the county attorney to prosecute all suits instituted by the

county and to defend all suits brought against the county or any of its departments, offices, boards and commissions, to represent the county at any hearings before any board or commission and to prepare resolutions at the request of members of the county legislative body. The duties of the county attorney shall not include representation of the county in delinquent property tax suits unless separately appointed pursuant to general law.

SECTION 6. In the event that the county attorney employed under this act shall have a conflict of interest which prevents his or her representation of the county or any of its departments, offices, boards or commissions in the prosecution or defense of any lawsuit, the county executive is authorized to employ, with the approval of the county legislative body, another attorney for the purpose of representation in such suit.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Putnam County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the secretary of state.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective September 1, 1998.

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